

MEDICAL MARIJUANA IN SAN JOSE

*Community Meetings
Spring 2016*

Tonight's Agenda

- ❖ San Jose Program Overview
- ❖ Measure C Ballot Initiative
- ❖ Questions & Answers
- ❖ Public Comment

San José Program

June 17, 2014: Council approves Medical Marijuana Program

Purpose and Intent:

To accommodate the needs of the seriously ill and protect their health and safety, while protecting our neighborhoods, children, and businesses from negative impacts and complying with state law and federal guidelines.

San José Program Deadline

December 18, 2015: Deadline for Collectives to Register under the Approved Program

- Sixteen (16) Collectives Registered
- Each Collective serves anywhere from several hundred to upwards of 20,000 individuals per month

Program Overview

- **Where a Collective can operate**
- **Who can operate a Collective**
- **How a Collective can operate**

WHERE?

Zoning Districts

Allowed In:

- Downtown Primary Commercial (2nd Story only)
- Combined Industrial/Commercial
- Industrial Park
- Light Industrial
- Heavy Industrial

“Sensitive Use” Buffers

Not Allowed Within:

- **1,000 feet of:** schools, daycares, community centers, parks or libraries
- **500 feet of:** substance abuse rehab facilities or emergency residential shelters
- **150 feet of:** places of religious assembly, adult care facilities, or residential uses *
- **50 feet of:** another Collective *

**Measured parcel line to parcel line*



WHO?

Allowed Operators

Owners, managers, individual staff cannot:

- Be younger than 21
- Be on parole/probation for possession, sale, distribution or transportation of controlled substance
- Have conviction for crime of moral turpitude
- Have misdemeanor/felony in past 10 years involving:
 - Use of violence, force, fear, fraud or deception
 - Unlawful possession, sale, manufacture, use, distribution or transportation of a controlled substance;
 - Use of money to engage in criminal activity.



HOW?

Vertical Integration

Each Collective may:

- Dispense marijuana and marijuana infused products the Collective grows and manufactures
- Cultivate and manufacture in San José and in any one of the neighboring counties
- Exchange marijuana and marijuana-infused products with each other

Good Neighbor Rules

- Collectives cannot create a public nuisance
- No onsite consumption of the product
- In addition, cannot have any of the following onsite or within 300 feet:
 - A. Disturbance of the peace;
 - B. Illegal drug activity;
 - C. Public drunkenness;
 - D. Drinking in public;
 - E. Gambling;
 - F. Prostitution;
 - G. Sale of stolen goods;
 - H. Public urination;
 - I. Theft;
 - J. Assaults;
 - K. Batteries; or
 - L. Acts of vandalism.

Measure C Background

- In 2014, an organization called Sensible San José gathered 25,360 signatures (6.2% of voters) to qualify an initiative
- When signatures are verified, City Council has two options:
 - Adopt the initiative outright as written
 - Send the initiative to the voters to decide
- Council placed the item on the ballot for this June 7, 2016

Comparison: Where

Current Program	Measure C
<p><u>Allowed Zones:</u></p> <ul style="list-style-type: none">• Downtown Primary Commercial (2nd floor only)• Combined Industrial Commercial• Industrial Park• Light Industrial• Heavy Industrial	<p><u>Allowed Zones:</u></p> <ul style="list-style-type: none">• Agricultural• Commercial Pedestrian• Commercial Neighborhood• Industrial Park• Light Industrial• Heavy Industrial• Certain Planned Development
<ul style="list-style-type: none">• 623 parcels are potential locations	<ul style="list-style-type: none">• 30,000 potential locations

Map - Program

Existing Zoning Regulations for Medical Marijuana

Disclaimers

- Map made for **ILLUSTRATIVE** purposes only.
- Map does not illustrate residential uses that are outside Residential Zoning Districts.
- Map does not illustrate Adult Day Care locations.
- Map does not illustrate Emergency Residential Shelters locations.
- Map does not illustrate Drop-In Service Centers.
- Map does not illustrate any Legal Non-Conforming uses.
- Sensitive Uses data/locations are an aggregation of various data sources and exclude locations outside of the incorporated area of the City of San Jose.
- Map is a snapshot in time that reflects best available data as of October 1, 2014.

Zoning Districts

- CIC- Combined Industrial / Commercial
- LI- Light Industrial
- DC- Downtown Primary Commercial
- IP- Industrial Park
- HI- Heavy Industrial

Sensitive Uses (1,000 Feet Buffer)*

- Public and/or Private Schools
- Child Daycare Centers
- Community/Recreation Centers
- Parks
- Libraries

Rehabilitation Centers (500 Feet Buffer)*

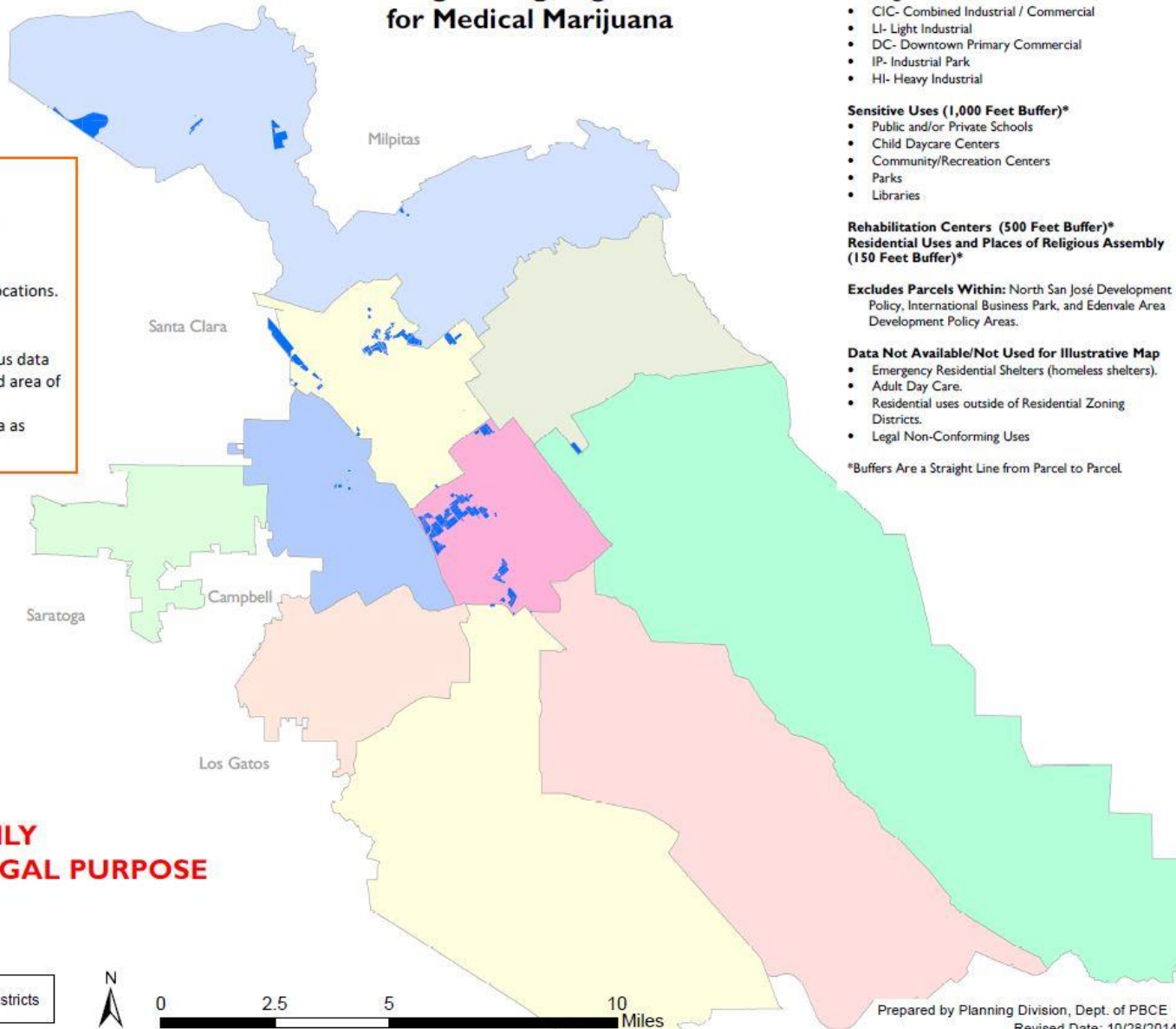
Residential Uses and Places of Religious Assembly (150 Feet Buffer)*

Excludes Parcels Within: North San José Development Policy, International Business Park, and Edenvale Area Development Policy Areas.

Data Not Available/Not Used for Illustrative Map

- Emergency Residential Shelters (homeless shelters).
- Adult Day Care.
- Residential uses outside of Residential Zoning Districts.
- Legal Non-Conforming Uses

*Buffers Are a Straight Line from Parcel to Parcel



**ILLUSTRATIVE ONLY
NOT TO BE USED FOR ANY LEGAL PURPOSE**

Approximately 623 Parcels

Approximate Eligible Parcels in CIC, LI, DC, IP, HI Zoning Districts

Map – Measure C

Initiative Zoning Regulations for Medical Marijuana

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Zoning Districts

- A- Agricultural
- CP- Commercial Pedestrian
- CN- Commercial Neighborhood
- HI- Heavy Industrial
- IP- Industrial Park
- LI- Light Industrial
- PD- Planned Development- where the base district allows the use, regardless of the status of PD district or any associated planned development permit, effectuated or not.

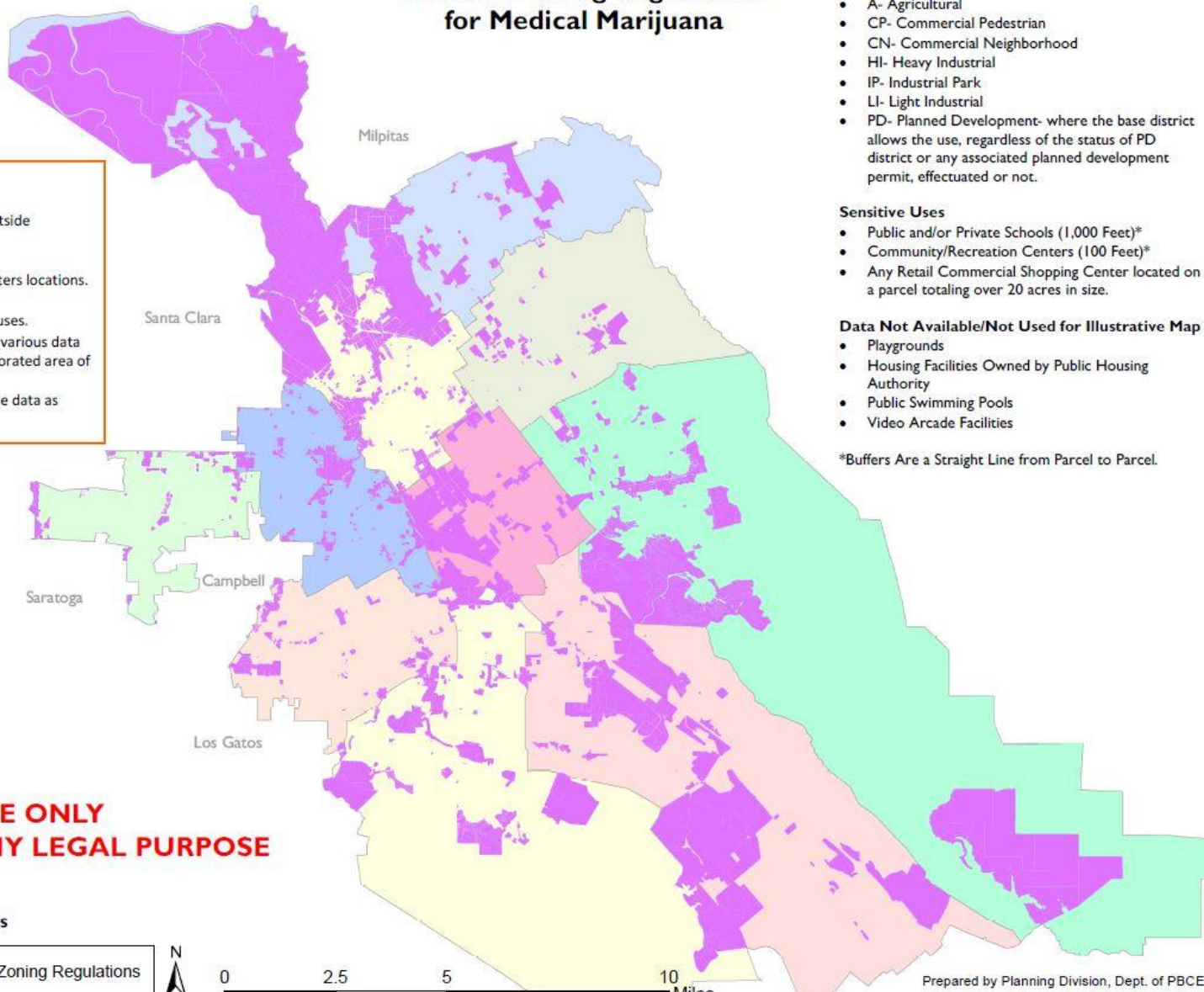
Sensitive Uses

- Public and/or Private Schools (1,000 Feet)*
- Community/Recreation Centers (100 Feet)*
- Any Retail Commercial Shopping Center located on a parcel totaling over 20 acres in size.

Data Not Available/Not Used for Illustrative Map

- Playgrounds
- Housing Facilities Owned by Public Housing Authority
- Public Swimming Pools
- Video Arcade Facilities

*Buffers Are a Straight Line from Parcel to Parcel.



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Approximately 31,517 Parcels

Approximate Eligible Parcels Per Initiative Zoning Regulations

Comparison: Where

Current Program Buffers	Measure C Buffers
<ul style="list-style-type: none">• 1,000 feet from preschools, K-12 schools, child daycare, community centers, libraries and parks	<ul style="list-style-type: none">• Deletes 1,000 feet from preschool & daycare• Replaces “parks” with “playground” having 3 pieces of equipment
<ul style="list-style-type: none">• 500 feet from substance abuse rehab centers	<ul style="list-style-type: none">• Deletes this buffer
<ul style="list-style-type: none">• 150 feet from residential use, adult daycare, religious assembly	<ul style="list-style-type: none">• Deletes buffer from residential use and religious assembly

Comparison: Who

Current Program	Measure C
One-time 90-day application period	Continual application process
Background checks & fingerprinting required for all employees, owners, managers	Background checks for high-level managers. Fingerprinting not required.

Comparison: Other Items

Current Program	Measure C
Council can change	City Council cannot change for 3 years
Only applies to Medical Marijuana.	Automatically applies to recreational marijuana if the state or California voters approve
Fines for violations: \$2,500 to \$50,000	All fines: \$100

Question & Answers

Public Comment

More information is online:
www.sanjoseca.gov/medicalmarijuana